

Docket No.: 27056.2640
Customer No.: 30734

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Matt Luntz, et al.

Application No. 10/728,832

Filed: December 8, 2003

For: AUTOMATIC SHUTOFF REFUELING RECEIVER

PETITION UNDER 37 C.F.R. 1.47(A) NON-SIGNING INVENTOR

U.S. Patent and Trademark Office
Mail Stop DAC
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

This petition is being filed under 37 C.F.R. 1.47(a), which states the following:

“[I]f a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor.”

It is respectfully submitted that a diligent effort was made to find the inventor and that the application, along with the inventors declaration and assignment document were forwarded to the inventor's last know address. The inventor was requested to review the application, execute the declaration and assignment, and return the executed documents to us for filing in the USPTO. Submitted herewith is a statement of facts in an affidavit signed by one having firsthand knowledge of the facts, the fee set forth in 37 C.F.R. §1.17(i) and the last known address of the nonsigning inventor, which is

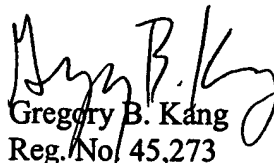
Matt Luntz
10439 North Edinburg Rd.
Highland, UT 84003

The undersigned sent the enclosed cover letter, the application, the declaration/power of attorney and the assignment ("documents") to the last known address of Matt Luntz to return the executed declaration/power of attorney and the assignment. The documents were sent on December 8, 2003, via U.S. Postal Service by certified mail, to the last known address of Matt Luntz, with article number 7001036000046287721. The documents were delivered to and signed or released by Elizabeth Luntz on December 11, 2003, at the address below. A copy of the return receipt post card is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,

BAKER & HOSTETLER LLP


Gregory B. Kang
Reg. No. 45,273

Date: June 9, 2004
Baker & Hostetler LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Tel: (202) 861-1500
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GREGORY B. KANG
WRITER'S DIRECT DIAL NUMBER (202) 861-1795
E-MAIL: GKANG@BAKERLAW.COM

December 8, 2003

BY CERTIFIED MAIL

Mr. Matt Luntz
10439 North Edinburgh Road
Highland, UT 84003

Re: Automatic Shutoff Refueling Receiver
Our Reference: 27056.2640

Dear Mr. Luntz:

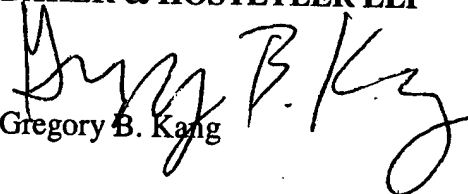
Mr. Thomas B. Rose of Adel Wiggins has informed us that you are one of the inventors for the Automatic Shutoff Refueling Receiver. A patent application for submission to the U.S. Patent and Trademark Office (USPTO) has been prepared. Also enclosed is a Declaration and Power of Attorney, and an Assignment for your review and execution.

Please return the executed documents to us so that we may file the same in the USPTO. In accordance with USPTO requirements, the patent application is enclosed for your review.

We look forward to hearing from you.

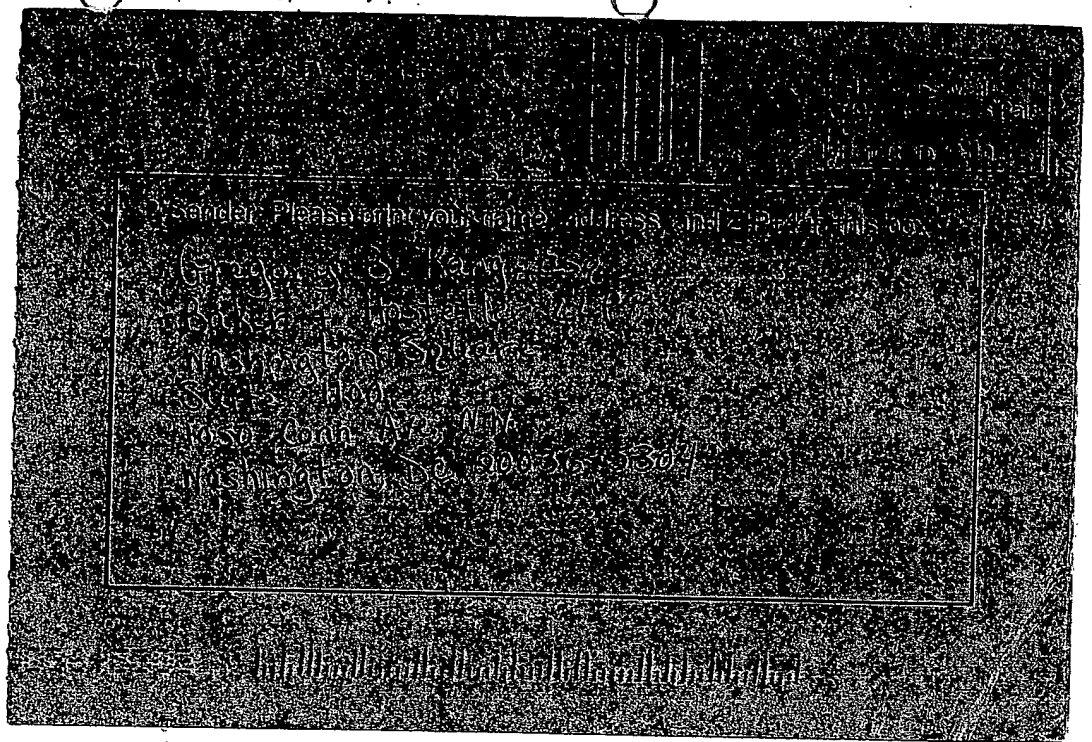
Very truly yours,

BAKER & HOSTETLER LLP


Gregory B. Kang

GBK/fet

Enclosures: Patent Application
Declaration and Power of Attorney
Assignment



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece or on the front if space permits. 	<p>A. Signature <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>[Name]</i> C. Date of Delivery <i>[Date]</i></p> <p>D. Is delivery address different from item 2? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below</p>
<p>1. Article Addressed to <i>Mr. & Mrs. Kurtz</i> <i>10439 North Edinburgh Rd.</i> <i>Highland, UT 84003</i></p>	<p>3. Service type: <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number <i>7001 0560 0000 4628 47 701</i> (transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>PS Form 3811, August 2001 Edition Domestic Return Address 5010250-02-1-1-640</p>	

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DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled AUTOMATIC SHUTOFF REFUELING RECEIVER, the specification of which [X] is attached hereto OR [] was filed on , as Application Serial No. and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):			Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year filed</u>	<u>Yes</u>	<u>No</u>

I hereby claim the benefit under 35 USC Section 119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s):	
<u>Application Number</u>	<u>Filing Date</u>

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U. S. Application(s):		
<u>Serial No.</u>	<u>Filing Date</u>	<u>Status: Patented, Pending, Abandoned</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Reg. No. 53,184

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to the address at the aforementioned customer number.
with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to:

BAKER & HOSTETLER LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Tel. 202 861 1500
Fax 202 861 1783

Full name of inventor: Matt Luntz

Inventor's signature:

Date:

Residence:

Citizenship:

Mailing Address:

Full name of inventor: Thomas B. Rose

Inventor's signature:

Date: 12-4-2003

Residence: USA

Citizenship: USA

Mailing Address: 9313 Samoline Ave, Downey CA 90240

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The undersigned hereby grant(s) the firm of BAKER & HOSTETLER LLP the power to insert on this Declaration any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document

We hereby appoint the following attorney(s) and/or agent(s):

Leo J. Jennings
Reg. No. 32,902

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P. Alan Larson

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